

Something Must Be Shown: Consent, Conversation, and the End of Reasons

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This essay attempts to respond to what I see as a persistent misunderstanding of Cavellian conversation and its relation to politics as such. More specifically, I find that critics of Cavell and his acolytes, such as Davide Panagia, tend to read a Cavellian politics as dependent on a conventional sort of judgment, such that Cavell's idea of "conversation" is overly similar to Habermas's notion of exercising "public reason" or a more general social contractarianism. Panagia specifically contrasts a Cavellian politics with Rancière's more actively participatory variety. Without wanting to dwell overmuch on Rancière specifically, I wish to argue that this contrast is overblown to the extent that it underestimates the stakes and confrontational nature of Cavellian conversation, and that it ignores Cavell's own account of what happens when justifications come to an end and one's spade is turned: something must be shown. I wish to link the kind of showing that I think Cavell has in mind to the long tradition of African American activism in the United States, culminating, thus far, in the Movement for Black Lives.

Panagia, Zerilli, and Cavell

In his new book, *Rancière's Sentiments*, Davide Panagia uses Linda Zerilli as a Cavellian foil against which to position Rancière's active politics of *partager*. My purpose in this opening section will be to show that Panagia misreads Zerilli's sense of "judgment," and that—properly understood—the notion of judgment that Zerilli and Cavell develop is much closer to Rancière than Panagia allows.

As Panagia defines Rancière's core concept, *partager* is part-taking specifically by those who have no-part, who have no (recognized) role in politics:

They act by taking part in an activity that does not belong to them and that they have not been tasked to do. And they don't spend their time making or justifying arguments to one another, or to others, because their doings are improper and any reason they may give for their actions is de facto illegitimate.¹

His specification of what *partager* is *not* doing—justifying arguments by giving reasons—is meant to signal the contrast with the view he attributes to Zerilli.

Citing Zerilli's *Feminism and the Abyss of Freedom* and *A Democratic Theory of Judgment*, Panagia declares that Zerilli is fatally committed to “consensus theories of democratic representation” rooted in members’ “having to sign on to a common set of conditions,” which unwarrantedly narrows the sphere of the politically possible. He notes that “such accounts [...] demand capacities like judgment and attention of their agents and presume that a capacity for judgment (and thus a particular account of intelligence) is necessary for politics.”² On Panagia's view, then, Zerilli stands in a long line of social-contractarian political thinkers, for whom political activity mainly consists in exchanging reasons with others who have also “signed on” to certain conditions, all with the aim of persuading those others to adopt this or that view of a particular topic. This sort of politics is so far from Rancière's sense of *partager* that Panagia finds Zerilli's alignment of Cavell and Arendt with Rancière galling. But the view Panagia attributes to Zerilli is not, in fact, Zerilli's.

To see this, it is worth quoting Panagia's reading of Zerilli on judgment and criteria in full.

Placing Rancière alongside Cavell and Arendt, [Zerilli] affirms, “Aesthetic and political judgments, in which there is no concept to be applied, raise the question of criteria in an acute way, for saying what counts involves something other than the activity of subsumption. Unique to such judgments is that the

1. Davide Panagia, *Rancière's Sentiments* (Durham, NC: Duke University Press, 2018), x.

2. *Ibid.*, 6.

subject does not recall the grounds upon which things can be rightly judged, but is called upon to elicit, in relation to specific interlocutors, the criteria appropriate to the particular at hand.”³

In this quoted passage, Zerilli is establishing what she understands as a similarity between a Cavellian-Arendtian position and Rancière’s view, a similarity centered upon the way in which publicly raising “criteria” is a means of asserting “what counts” in a particular situation. This criterial recounting, she says, is specifically oriented toward “something other than the activity of subsumption.” Panagia seems to misunderstand this point, as is evident from his exegesis of the passage:

Like Arendt (via Cavell), Zerilli wants to extend Kant’s claim... that aesthetic experience solicits a sense of freedom and that that sense of freedom arises from the experience of ungroundedness that emerges from one’s encounter with an object of taste. The absence of a concept that might be applied to that particular moment of experience with an object raises the possibility of a criteria-less condition of coexistence between individuals. The result for Zerilli is a calling upon the subject of experience to be responsive to the experience by eliciting criteria that acknowledge the moment of ungroundedness. And this “being called upon to elicit criteria” is an important dimension of politics and—especially—of freedom.⁴

This interpretation misreads Zerilli in two important ways, both of which undermine the similarity she wishes to draw out between Rancière’s project and her own. The first misreading involves Zerilli’s sense of what elicits “criteria.”

Panagia’s version of the Zerilli passage pictures an isolated subject facing off against an un-subsumable experience, forced by that experience to select criteria by which to comprehend it, and thus to acknowledge the ungroundedness implicit in the choice of criteria. This is not Rancière, says Panagia: “politics isn’t about being called upon to elicit criteria for counting; it is about the *making* count, regardless of

3. Ibid., x.

4. Ibid., x.

whether or not that activity is persuasive to others”⁵ But by centering the isolated “subject of experience” in his reading, Panagia ignores Zerilli’s “specific interlocutors” that, for her, do the eliciting, and he thus misses the way in which recounting criteria might *be* a means of “*making count*.”

For Zerilli, the presence of those interlocutor is of seminal importance. It is the triangular relation among the person, the particular, and the interlocutor that in fact elicits the criteria—there is a disagreement of some kind over *what* this particular is, and it is the specific nature of that disagreement that requires either person involved to *show* the other that the particular *is* the kind of thing that it *is*. Thus the import of the difference between what Zerilli says—criteria are elicited “in relation to specific interlocutors”—and what Panagia hears: eliciting criteria is responsive to [an] experience.

Panagia’s second (and related) misreading involves the *purpose* of eliciting criteria. Where Panagia emphasizes Kantian “freedom” and “acknowledg[ing] the moment of ungroundedness,” this bears little relation to any passage in Zerilli. And the thrust of Zerilli’s argument surely cannot be aimed at “the possibility of a criteria-less condition of coexistence between individuals.”⁶ Quite the opposite, in fact.

Zerilli’s picture of two people diverging on the nature of some particular is full of political significance that Panagia ought to appreciate. First of all, that a person so much as *takes* another *to be* an “interlocutor” is a political gesture—it provisionally asserts mutual belonging in a group that, by implication, *ought* to see this “particular” in the same certain way. And it further evinces an *investment* in this belonging-together: one does not bother trying to bring another into agreement unless that agreement (a) is possible and (b) matters. The giving or requesting of criteria is tantamount to wagering a kind of belonging-together that politics, at bottom, is. Far from any possibility of criteria-less co-belonging, criteria are recounted as a *means* of testing the possibility of belonging together.

There is also something to say against Panagia’s association of Zerilli (or Cavell) with social contractarianism. Zerilli’s criteria are nothing like “already agreed-upon conditions.” Whether or not interlocutors *can* agree is the very issue. In Zeril-

5. *Ibid.*, xi.

6. I’m indebted to Ingeborg Löfgren for making the impossibility of a “criteria-less condition of co-existence” clear to me.

li's picture, the fact that the interlocutors do not see the "particular at hand" in the same way is confounding to them. Criteria are elicited as a response to *this* confounding state—that another, with whom one would *expect* to agree, subsumes it in a different way, takes it to be something else. In that respect, eliciting criteria rather aim at what Richard Eldridge describes in terms of achieving a "reorientation"⁷ toward this "particular at hand." In thinking of the criterial conversation in terms of Eldridge's reorientation or Cavell's "showing that the world is otherwise than you see," it becomes clear that elicited criteria do not appeal to any "common set of conditions" to which the participants have previously agreed. Rather, agreement is being *sought* where it had been heretofore *assumed*; the criterial conversation itself is an act of using one's own stance on the world as the (groundless, aspirational) appeal to another.

Panagia affirms the link between Rancière's politico-aesthetic thought and Wittgenstein's discussions of aspect-dawning;⁸ (Panagia 2018, 15); I suggest that the eliciting of criteria amounts to *showing* rather than *saying*, and that its political operation is the facilitation of aspect-dawning in another. Eliciting criteria, therefore, is the very *making count* that Panagia's Rancière seeks.⁹

Cavell's Acknowledgment and Making Criteria Count

As I said above, I think that Panagia misinterprets the relation of criteria and its eliciting to the activity of judgment as Zerilli and Cavell understand it. On Panagia's view, judgment necessarily presupposes the (Kantian) subject or (Aristotelian) *hypokeime-non*, which always stands before or beneath any given action, and over against the

7. Richard Eldridge, ed., *Stanley Cavell* (Cambridge: Cambridge University Press, 2003), 6.

8. Panagia, *Rancière's Sentiments*, x.

9. If Panagia criticizes Cavell and Zerilli for their reliance on (a certain picture of) judgment in politics, he also approvingly cites Aletta Norval, despite the fact that, so far as I can see, she accurately frames Cavell as helping to dissolve a dilemma that Panagia's Rancière seems to tackle head-on (Norvall 2012). Cavellian judgment occupies the space between those horns, rather than choosing sides, as I think Panagia reads Zerilli and Cavell. Zerilli seems to see judgment exactly as Norval does, as occupying an "In-between space (neither *objective* nor *subjective* as philosophy has traditionally defined them)" (Linda Zerilli, *Toward a Democratic Theory of Judgment* [University of Chicago Press, 2016], xvii). In Panagia's reading, though, Rancière picks the right side (active intervention) of this dilemma and Cavell picks the wrong one (privileging inward judgment). I'm arguing, with Norval and Zerilli, that the opposition of Cavell to Rancière is based on missing the active and public nature of Cavellian judgment.

objective world. Judgment itself is therefore something like an internal or private operation, which uses criteria as a means of determining what kind of thing or situation anything is. This view depicts the subject as (1) fundamentally isolated from others in (2) attempting to make sense of the world prior to acting in it. Panagia's Rancière objects on precisely these grounds: that politics must be *participatory*, and also, and therefore, primarily *active* in the world. Panagia is arguing against an actually-existing view of judgment and politics, to be sure, but it is not Cavell's or Zerilli's.

Instead, Cavell is one of a group of Wittgenstein readers that understands Wittgenstein as militating *against* the use or sort of criteria that require what Owen and Havercroft call "substantive principle[s] that can be stated independently and in advance of the particular disputes in which [they are] manifest."¹⁰ Panagia cites these authors in support of his own view, so it's worth noting that, in fact, Zerilli herself takes exactly the same position on criteria: "[The standard] view of mutual intelligibility.... separates out criteria from actual judgments, makes them the ground of such judgments, and in this way assumes that we have criteria for all eventualities. It assumes that a person's divergent application of a word can simply and definitively be corrected by reminding the person of its agreed criteria."¹¹ Eliciting criteria is not an act of citation to originary contracts or agreements because, on the Cavellian reading of Wittgenstein, "we cannot have agreed beforehand to all that would be necessary."¹² The version of "judgment" against which Panagia argues makes the interpretation of some founding principle or rule central to political discussions. Cavell, Zerilli, and similar readers of Wittgenstein aver, however, that this view mischaracterizes the way agreement works in our lives.

Robert Fogelin, for instance, sees the affinity among rule-following, ostensive definition, and so on in terms of a "paradox of interpretation," and Fogelin's reading of Wittgenstein emphasizes the *Investigations* §201b: "there is a way of grasping a rule which is *not* an interpretation." Fogelin reads Wittgenstein as repeatedly raising, to show the unworkability of, explanations grounded in the mental judgment Panagia

10. Panagia, *Rancière's Sentiments*, 15.

11. Zerilli, *A Democratic Theory of Judgment*, 22.

12. Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (New York: Oxford University Press, 1979), 31.

disparages. Instead, Fogelin sees Wittgenstein gesturing toward a way of “grasping” the world that is *not* mentally or interpretively centered:

Wittgenstein is not saying that an individual's interpretation of a rule is correct to the extent that it squares with the community's interpretation of it. In rule-following, we join a consensus in *action*—a consensus grounded in the kind of training that we, as humans, *can* successfully undergo and the kind of training that we actually *do* undergo in the community in which we are reared.¹³

It is important to note—because Panagia decries “consensus theories of democratic representation”—that Fogelin’s “consensus in action” is distinguished from a consensus in opinion or interpretation. It emphasizes the *joining* with others via activity in the world, rather than agreement in opinion. The way in which the eliciting of criteria amounts to a call to action, an invitation to *join* a particular community of action, is something that Panagia misses. Cavellian criteria, therefore, are nothing like Owen and Havercroft’s “universals.” Criteria serve a different purpose, and this fact is the key to understanding Cavell’s politics.

I find myself wanting to say that Cavellian criteria are not *fully themselves* except in their application, in their embodiment in various judgments, here understood as attitudinal comportments, or ontological stances, on the world. While it is possible to understand criteria as transcendent principles, criteria pictured thusly are inert and powerless for Cavell—“dead,” he calls them. Thinking of criteria as fundamentally external features is precisely what leads to scenes of reprehensible obtuseness in Cavell’s work, such as the specter of a person kneeling over the crumpled victim of an auto accident, saying, “Yes, but on what grounds can I call what you’re experiencing *pain*?” This picture of seeking out criteria because they would constitute the basis on which one could accurately describe the inner states of another, or cause one to react appropriately to another’s inner states, fully demonstrates the limitations of transcendent criteria for Cavell.

13. Robert J. Fogelin, *Taking Wittgenstein at His Word: A Textual Study* (Princeton, NJ: Princeton University Press, 2009), 28.

It is with reference to something like the above example that Cavell first draws out his notion of *acknowledgment*. The obtuseness in the scene is precisely related to the inappropriateness of the quest for certainty in the face of emergent need. Cavell describes this in “Knowing and Acknowledging”: “Your suffering makes a *claim* on me. It is not enough that I *know* (am certain) that you suffer—I must do or reveal something (whatever can be done.) In a word, I must *acknowledge* it, otherwise I do not know what ‘(your or his) being in pain’ means. Is.”¹⁴ Whatever criteria’s role in the determination of whether another is suffering, they are fully embodied in one’s response to, or the stance one adopts toward, that suffering. Importantly, the image of the kneeling philosopher in pursuit of certainty about the accident victim’s suffering is *also* a picture of response, a *failure* of acknowledgement that Cavell variously calls deflection, avoidance, or refusal. The kneeling philosopher’s avoidance is an example of skeptical withdrawal for Cavell, a decision *not* to allow our ordinary criteria to *count*, or to move us.

Cavell most clearly brings out this structural co-possibility of either acknowledgement or its avoidance in considering cases of another’s pain and in the parable of the craftsman and the doll toward the end of *The Claim of Reason*. Both cases serve to show that “judgment” is unworkable when imagined as this two-part process: the kind of *certainty* required at stage one in order to generate a correct response at stage two is both “impossible and unnecessary,” as David Stern has termed it.¹⁵ No amount of available knowledge is capable of *yielding* the proper response, and yet proper responses to various situations occur at every moment of every day. Cavell’s acknowledgment is an attempt to undo this kind of “phenomenon-splitting,” as Glendinning calls it, and knit the two parts together again, reconstituting judgment as a single-stage process of responsive aspect-seeing.

Cavell thus joins with a host of others, again including Panagia, who emphasize that the “intellectualist” or “disengaged” view of judgment leads us astray. If we make skillful responsiveness to the world or to others dependent upon the possession of correct knowledge, then the possibility of this responsiveness seems to vanish, and, just as Panagia fears, the possibility of political intervention vanishes along with it.

14. Stephen Mulhall. *The Cavell Reader* (London: Wiley, 1996), 98.

15. David G. Stern, *Wittgenstein on Mind and Language* (Oxford: Oxford University Press, 1995), 115.

Acknowledgment is Cavell's way of reorienting us from the (impossible) quest for certainty about facts to the moral demand of responding correctly to, and thus seeing correctly, the relevant facts of the matter. This reorientation of the issue might be taken as an elaboration of Wittgenstein's distinction between attitude and opinion: "My attitude towards him is an attitude toward a soul. I am not of the *opinion* that he has a soul."¹⁶ But if this is so, what then of criteria's import?

Conversation, Criteria, and Politics

Cavellian criteria, as I have sketched the story so far, simply do play the *grounding* role that Panagia imagines them playing in judgment and political action; as Cavell's kneeling philosopher serves to illustrate, skeptical withdrawal remains a standing possibility upon which criteria's mere existence cannot foreclose. Instead, as Zerilli has it, criteria constitute something like the means with—and by—which interlocutors assert and invite one another into the world as they find it. Criteria's relevance, here, has nothing to do with the private encounter with an object, but with making public, and therefore political, sense of things.

Where Panagia imagines disagreements in terms of the moment of ungroundedness and its consequent freedom, the kinds of divergences figured in Cavell tend to take the form of *disorientation* with respect to the world or to others. "Counting" our criteria—or recounting, etc.—is an attempt at re-locating ourselves in worlds both public and private, of re-finding ourselves among others. Invoking our criteria may seem in every case to be metaphysical speculation, but for Wittgenstein and for Cavell, it is a practical exercise. Because our criteria ordinarily operate in the background, enmeshing us in a public world, we might draw upon them in order to recall ourselves to ourselves or our community when we experience this uncanny moment of discord. Counting and recounting our criteria is precisely an attempt at resolving this discord by bringing another to acknowledge a situation as we do, or else to learn to acknowledge it as they do.

16. Ludwig Wittgenstein, *Philosophical Investigations*, ed. and trans. G. E. M. Anscombe, P. M. S. Hacker, and Joachim Schulte (London: Wiley-Blackwell, 2009), §22

Cavell himself dramatizes this sort of interaction in the *Claim of Reason*, where he explicitly couches the voicing of criteria in terms of expressing “what points are at issue in various judgments.” To recount criteria to another or to oneself is to name the relevant aspects of a given thing or situation; to recount criteria in this way is to test the extent of a shared sense of relevance. The affordances and stakes of conversations about judgments depicted here presents a stark contrast with Panagia’s understanding of a judgment-based politics.

Arriving at agreement successfully, for Cavell, is figured in two broadly-defined kinds of situations: (1) scenes of what he will call “initiation,” in which a child or a stranger is entering into or acquiring the sorts of agreements that undergird the possibility of politics, and (2) encounters between full-fledged members of a given group in which interlocutors find that they are out of alignment with one another. In the former case, it will turn out that this agreement is not, and cannot be, founded upon *reasons*. In the latter case, and following directly from the above, if disagreements are to be resolved, citations to founding reasons cannot and do not effect such a resolution, as the notion of “founding” reasons is misguided from the start.

How does one come to agree with others in *judgments* about, say, how to use words, over and above agreement in *definitions*, as Wittgenstein frames the issue? In response to this, Wittgenstein answers, in §208 of the *Investigations*, that “I’ll teach him to use the words by means of *examples* and *exercises* – And when I do this, I do not communicate less to him than I know myself.” Robert Fogelin underscores the latter portion, especially: “She [the teacher] is not holding anything back. She is not in possession of a secret key that she is trying to pass on to her student that, when successfully transmitting, will complete the training.”¹⁷ This is a further indication that universals, here figured as definitions, are neither necessary nor sufficient to projecting a skillful behavior into the future, and so, just as Panagia sees it, a version of politics that seeks to found itself on some sort of axiomatic set of propositions will always come up short.

This passage of Wittgenstein’s is often invoked in the way that Fogelin employs it—as a model of how children or neophytes in fact learn how things are done, in fact come into agreement with others in the absence of definitional sufficiency. Ca-

17. Fogelin, *Taking Wittgenstein at His Word*, 38.

vell is instructively unique in drawing out the implications of *lacking* that definitional security, which is to say, the possibility of failures of initiation:

Our ability to communicate with him... depends upon our mutual attunement in judgments. It is astonishing how far this takes us in understanding one another, but it has its limits, and these are not merely, one might say, the limits of knowledge but the limits of experience. And when these limits are reached, when our attunements are dissonant, I cannot get below them to firmer ground. The power I felt in my breath as my words flew to their effect now vanishes into thin air. For not only does he not receive me, because his natural reactions are not mine, but my own understanding is found to go no farther than my own natural reactions bear it. I am thrown back upon myself; I as it were turn my palms outward, as if to exhibit the kind of creature I am, and declare my ground occupied, only mine, ceding yours.¹⁸

I read Cavell's inclination to turn his palms outward as a reference to the same portion of the *Investigations* that Fogelin draws upon, in which Wittgenstein dramatizes the end of reasons: "Once I have exhausted the justifications, I have reached bedrock, and my spade is turned. Then I am inclined to say: "This is simply what I do."¹⁹

This impasse is not an abyss. Remaining, in each version of this scene, are the protagonists, facing one another. One has his palms turned out; one says, perhaps with a shrug, this is simply what I do. This moment retains its political and ethical core. Even in the outward palms and in the shrug, there remains a moral claim: you *ought* to be like me, to see things as I do. In the void of reasons, this is what is shown: the attitudinal comportment of each toward the other as *another self*, as one among whom I belong too, as Heidegger has it.

This scene, as recounted in Cavell and Fogelin and innumerable others—and even in the subtitle of this article—is always pictured as the *end* of a story, as the *final* gesture in an interpersonal encounter, as what remains when reasons give out. But the gesture itself, that is, confronting another with what you say and do as the asser-

18. Cavell, *The Claim of Reason*, 115.

19. Wittgenstein, *Philosophical Investigations*, §217.

tion of a claim upon them that they should say and do the same, is really also the *initial* move in this encounter, as well. Reaching bedrock is merely the uncovering of this existing condition. This stance, this posture, is the very gesture of politics. Even in their failure or frustration, these are attempts at *making criteria count*.

This stance itself—a particular attitude toward another, as toward a soul—is centrally at stake in the second category of Cavell’s depictions of confrontation or discord: scenes of consent, we might call them. These are omnipresent in the Cavellian corpus, ranging from his reading of *Othello* in the *Claim of Reason* to his considerations of “screwball comedies” in *Pursuits of Happiness* and *Cities of Words*. This sort of confrontation—taking place between a pair of people who in some sense belong together—is always, Cavell notes, “the means of determining whether we can live together, accept one another into the aspirations of our lives.”²⁰ These conversations turn on precisely what kind of stance one finds oneself capable of adopting with respect to a certain other. Another’s way of holding the world asks for ratification; can this other change one’s way of looking at things, as Wittgenstein asks? Can we come to see the world in the way the other’s criteria suggests that it is?

Cavellian judgment, embodied in the ontological stances one finds oneself taking toward the objects and people of one’s world, is therefore more of a discovery about oneself in relation to others than a decision in that regard. For that reason, our ability to agree with one another in judgments is perpetually at issue, perpetually subject to success or failure. This is starkly different from the social contractarians’ view. Where Panagia criticizes a judgment-centered view of democracy, he singles out the necessity of our “already-agreed upon commitments” to certain form of political interaction. Cavell’s point, in this vein, is precisely that our agreements, even if we *had* actually made all the necessary ones, could not secure our *continuing* agreement, or show us the way forward. Indeed, our continued agreement in judgments are what we show or fail to show in these conversational or confrontational encounters.

When Cavell turns explicitly to considerations of democracy in his work on Emerson, he refigures his movement of acknowledgment in terms of political consent. In “Being Odd, Getting Even,” Cavell says, briefly considering the case of *Ham-*

20. Cavell, *Cities of Words: Pedagogical Letters on a Register of the Moral Life* (Cambridge, MA: Belknap Press/Harvard University Press, 2005), 25.

let, “The emphasis in the question ‘To be or not to be’ seems not on whether to die, but on whether to be born, on whether to affirm or deny the fact of natality, as a way of enacting, or not, one’s existence.” Importantly, a few lines later, he characterizes the decision in terms of assuming a “posture” toward the aforementioned fact of natality. And he goes on to say explicitly that “these matters are represented in political thought under the heading of consent.”²¹ The comportment *toward* a set of facts, after the facts alone have exhausted their ability to move us, is also what he means by acknowledgment.

Consent further echoes acknowledgment to the extent that its movement is “simultaneously turned toward oneself and toward one’s contribution to the communal,” as Cavell remarks elsewhere.²² As Cavell notes in *Conditions Handsome and Unhandsome*, “the issue of consent becomes the issue of whether the voice I lend in recognizing a society as mine, as speaking for me, as my voice, my own.” Consent therefore also involves assuming a posture in which one’s voice speaks for one’s community, while also reciprocally acknowledging that the community’s voice voices one’s own self.²³ And like acknowledgment, this consent can be withheld or avoided, and by the same skeptical means, say with the image of “already agreed-upon commitments” as securing or exhausting this consent.

Cavell’s scene of conversation is therefore dramatically dissimilar from Panagia’s vision of exchanging reasons with an aim of persuasion. In the first place, because *consent* is perpetually at issue, the requested alteration occurs at the deeper level of agreeing in judgments. Wittgenstein’s scene of consent, one might say, occurs in the *Investigations* §144: “I wanted to put that picture before him, and his *acceptance* of the picture consists in his now being inclined to regard a given case differently: that is, to compare it with *this* sequence of pictures,” in action, that is, rather than opinion. In the second place, the issue of consent is not restricted to considerations of outcomes, but is tested throughout, in the fact of conversation itself, the fact that it is continuing or ceasing at every moment. Conversation, as a confrontation between

21. Cavell, *In Quest of the Ordinary: Lines of Skepticism and Romanticism* (Chicago: University of Chicago Press, 1988), 128.

22. Cavell, “Philosophy as Education,” in *Stanley Cavell and the Education of Grownups*, ed. Paul Standish and Naoko Saito (New York: Fordham University Press, 2012), 213.

23. There is something complementary to be said here about Agamben’s reading of the Aristotelian distinction between *zoē* and *bios*. Mathew Abbott has done this already, and extremely well.

interlocutors over a matter of common concern, bodies forth and enacts a certain polity via, necessarily, the eliciting of criteria.

Black Lives Matter, Blue Lives Matter, All Lives Matter

The Movement for Black Lives emerged in the wake of several killings of African Americans, largely at the hands of state agents. Darren Wilson's killing of Michael Brown in 2014 and George Zimmerman's slaying of Trayvon Martin in 2012 elevated the Movement to its current prominence, even as further incidents continue to occur. In the shape of its specific claims about the world we inhabit, and in the responses the Movement garners, I propose that the Movement for Black Lives offers a contemporary example of engaging in Cavellian conversation and politics writ large: the eliciting and recounting of criteria such that "the way we now hold the world is contrasted with, reformed into, a future way we could help it become."²⁴

In a recent article, Russell Rickford outlines both the substantive demands and political practices of the Movement:

Demanding accountability for racist violence and an immediate end to the murder of black people at the hands of the state, Black Lives Matter activists have used a host of disruptive techniques to advance their cause. Their mainstay has been occupation—of highways, intersections, sporting events, retail stores, malls, campaign events, police stations, and municipal buildings.... What is evident is that most Black Lives Matter adherents recognize the inherent shortcomings of appeals to politicians, the courts, and other "acceptable" channels of redress, and have wholeheartedly embraced the arena of the street.²⁵

The political methods described above comport with Panagia's distaste for exchange-of-reasons politics, and so the way in which these methods figure Cavell's notion of a

24. Cavell, *Cities of Words*, 1.

25. Russell Rickford, "Black Lives Matter: Toward a Modern Practice of Mass Struggle," *New Labor Forum* 25.1 (2016): 36.

conversation that *shows* will elucidate the continuity between Cavell and Panagia's Rancière that Panagia overlooks.

At explicit issue in the demands and practices of the Movement are the criteria for the mattering of a given life. The call for protest actions in defense of black life emerges from a view that, manifestly, black lives do not matter. The criteria elicited here, the criteria of injustice, often focus on the dual facts that in initial encounters, police err on the side of lethal violence in the face of perceived threats to their own lives, and that in the legal proceedings that follow, indictments and convictions for these officers have not much followed. Blackness is disposable. This is the picture of things that the Movement places before the public, the acceptance of which, in Wittgensteinian parlance, would consist in our now being inclined to regard such cases differently.

But large segments of the political right not only reject this picture of things, but also take these claims, and these criteria, as specific attacks on their own version of the world. The mantras "Blue Lives Matter," referring to police lives, and "All Lives Matter" serve to typify these responses. The criteria for the notion that the Movement for Black Lives actively denigrates and endangers police officers comes not only from the high-profile revenge murder of two NYPD officers, but also the exonerations of officers involved in deadly encounters with African Americans. These legal results publicly support the notion that officers were justified in fearing for their lives and discharging their weapons in self-defense. The "All Lives Matter" motto, meanwhile, takes the Movement to be singling out Black Lives for "special rights" or special treatment, which would fly in the face of American equality-for-all ideals.

Both of these responses to the Movement amount to confronting activists – and the third-party public—with contrasting pictures of the situation, pictures that similarly lodge a demand for acceptance. Emphasizing officers' roles in black death encourages violence against officers, and to that extent endangers their lives; and demanding "special" care by officers is tantamount to asking for "free stuff" based on racial identity, and to that extent is racist itself. I wish to highlight the ways in which the Blue Lives and All Lives arguments engage in Cavellian avoidance or refusal in the face of the Movement's claims.

Most prominently, these modes of argumentation refuse to respond to the central element of the Movement's picture: the racial disparity in lethal state violence, which would phenomenologically attest to the null value of black lives. The accusation does not rest on whether individual officers hold prejudicial opinions, but on the simple fact of disproportionate black death. But this central fact is persistently avoided. Blue Lives Matter argues that criticizing officers can lead to prejudicial views of the police, which can itself lead to violence. All Lives Matter simply argues that the Movement's motto itself is a call for inequality that we ought to reject.

These responses to Black Lives Matter are in this way refusals of the first demand—to consider black lives. Both responses look away from the particular cases that the Movement cites and instead look either to cases that support their view or to transcendent principles. When activists adopt the Occupy protest tactics that Rickford cites, some states reacted by considering legislation to decriminalize drivers who hit protesters. All of these responses make the Movement's point for them: your lives are not as important as police lives, as our principles, as our commute time.

The example of the Movement for Black Lives only serves to show that our (American) democratic practices are not well-described by the kind of reason-centered social-contractarianism that Panagia rejects. Cavellian conversation, though, does account for this kind of political divergence. As Rickford notes, the disruptive protest practices “serve as a means of dramatizing routine attacks on black life,” that is, serve to make the relevant criteria evident through action; serve to *show* it, alongside and beyond any saying. Nor is this a new feature. Shana Redmond, for instance, details the long history of musical practices in public spaces as central to African American (and labor) organizing, another method of intervening in public space and inviting others to share in one's picture of things, in one's judgments.

Cavell's work on agreement, consent, and acknowledgment in the realm of the political not only goes beyond the limits of contractarian political thought that Panagia identifies, but also participates in Panagia's own project of making criteria count. Rickford notes that it remains “unclear” whether the Movement for Black Lives either “rejects” or “simply mistrusts” electoral politics. But from a Cavellian perspective, we can see the Movement is involved in a deeper politics—not attempting to garner votes for this or that candidate, but trying to assert and to test whether the relative value of

black lives will be a public issue at all. In the course of the confrontational conversation with Blue Lives and All Lives supporters, the criteria of what counts as demonstrating a life's value, and what counts as standing with and standing against a certain picture of the world, emerge. The stakes are not restricted to the next election cycle. As in every confrontation, and with every issue, the conversation reveals the extent to which we do or do not in fact live together, and elucidates the conditions under which we may continue—or begin—to do so.